

Study Plan on Language Access Issues For California Telecommunications Consumers

I. Study Goals

Commission Decision 06-03-013 (“Consumer Protection Initiative” or “CPI”) orders Commission staff to perform a study of the special needs of and challenges faced by California telecommunications consumers with limited proficiency in English (LEP consumers). Study goals specified in this decision include:

- *Verifying the languages needed for consumer education materials and programs.*
- *Identifying and reviewing challenges facing LEP consumers.*
- *Developing strategies for communicating relevant information to LEP populations.*
- *Recommending rules or programs (if appropriate) to improve service to LEP consumers, and estimating the costs of these recommendations.*

To meet these goals, Commission staff and our language access consultant are assembling information on the language demographics of California, services currently available to LEP Californians through the California Public Utilities Commission and telecommunications companies, and some of the most critical needs of LEP telecommunications consumers. The overall intention of the report will be to identify gaps in the education and services available to fill these critical needs and, to the extent possible, suggest ways of filling service and education gaps. The CPI decision also notes that minority customers may be targeted for fraudulent and deceptive communications in their own languages by unscrupulous businesses, and asks that the study assess whether these in-language needs are sufficiently met by the Commission’s current education and enforcement efforts.

This study plan contains a description of questions to be addressed in the study and enumerates information sources to assist in answering these questions. Study stakeholders and members of the public are encouraged to submit written

comments on the study plan, including answers to the questions below or suggestions of additional information sources relevant to the study. The study plan will be modified as appropriate to reflect additional sources and suggestions from the Commission workshop to be held on June 26, 2006, as well as written comments received by July 14, 2006.

II. Research Questions and Sources

In order to identify language access needs, gaps in service, and strategies for addressing these needs and gaps, the study will assess existing educational efforts, enforcement actions, and availability of customer service and compare them to critical needs identified by stakeholders and in a literature review of studies of LEP populations. This section describes questions that will guide the research and sources of information to be used in answering these questions.

A. Educational Needs to Ensure Language Access

The study will pursue the following questions about the need for education to ensure that LEP consumers are provided information about telecommunications markets and services.

- *Are existing and planned Commission efforts to educate consumers about telecommunications services adequate? Do they ensure that LEP consumers receive all needed information ?*

In researching this item, staff is reviewing past and planned Commission educational efforts, including the new education plans being implemented in response to the CPI interim educational effort, led by the Commission's public advisor's office, which is being implemented this summer. This section of the report will include an overview of in-language materials offered by the Commission's Consumer Affairs Branch (CAB) and Public Advisor's Office (PAO). Staff have identified several relevant past and current educational efforts, including the ongoing ULTS marketing contract and the Electric Education Trust Administrative Committee activities from electric restructuring.

Possible sources of information for identifying gaps in existing educational efforts include census and other information on state language demographics, discussions with and comments of representatives of community-based organizations (CBOs) serving LEP populations, and review of Commission and

(if available) company complaint data to determine whether there are particular types of recurring complaints related to language access.

- *How does the Commission comply with the state's Bilingual Services Act?*

The Dymally-Alatorre Bilingual Services Act (BSA or Act) requires state agencies to communicate effectively with LEP state residents in their language of preference or primary language. The CPUC has a Bilingual Services Coordinator to address language service needs of the California public. The State Personnel Board administers the Biennial Bilingual Survey to determine the extent of bilingual services provided by state agencies. Sources for assessing the CPUC's compliance with the BSA include past Biennial Bilingual Surveys and related reports and current plans for expanding bilingual services.

- *Are the languages that the CPI identifies for future Commission educational efforts appropriate?*

Data from the 2000 Census shows that over 12 million Californians (almost 40% of the state's population) speak a language other than English at home. The CPI orders educational efforts in the seven most common languages spoken in California: English, Spanish, Chinese, Vietnamese, Korean, Tagalog and Hmong. Staff is assessing the extent to which the Commission's CAB and PAO, as well as telecommunications companies, provide information in the languages spoken by most LEP and linguistically isolated consumers in the state, and will attempt to assess whether additional factors, for example prevalence of marketing in particular languages or complaints from particular language communities indicate a need for education in additional languages. Relevant sources of information will include census and state Department of Education data on California language demographics, including the number of LEP and linguistically isolated households throughout the state. In addition, staff is reviewing existing studies of California language demographics, including a recent report by the Asian Pacific American Legal Center (APALC) on California language diversity and English proficiency (California Speaks, released February 2006, see www.apalc.org).

- *Do telecommunications companies' existing in-language marketing and educational materials provide non-English speaking customers with*

sufficient information to provide understanding of sales and service options, and relevant terms and conditions of service?

- *What are the costs associated with providing in-language marketing and educational materials? How does cost affect choice of languages used in marketing and customer service?*
- *How does the portion of Public Utilities Code 2890(b) related to language access apply to different types of telecommunications carriers? (“...Written or oral solicitation materials used to obtain an order for a product or service shall be in the same language as the written order. ...”)*

In addition to any information that is gathered at our first Workshop on language access issues on June 26, 2006, Staff intends to collect and review information from carriers on existing in-language marketing and educational programs.

By comparing information on in-language materials and services with the information available in English, staff may identify areas in which LEP consumers have access to less information than English proficient consumers. If information is available, staff will also analyze differences in ULTS program participation by language. Based on these analyses, staff hope to identify consequences of any information or program participation imbalance.

- *What multi-lingual or in-language educational efforts by other organizations or agencies provide models for improving education available to LEP telecommunications consumers in California, and how can these models be applied to address service gaps?*

After reviewing the types of in-language and multi-lingual efforts of other state agencies and agencies in other states, staff have focused on the California Department of Motor Vehicles and the Employment Development Department as two that have widespread outreach and education responsibilities similar to this Commission. The study will include a detailed summary and comparison of relevant activities by these two departments, and if possible will identify best practices of these departments that can be applied within the Commission.

- *How is guidance on federal Executive Order (EO) 13166 (www.lep.gov) relevant to Commission and carrier operations? How can related documents and other, similar resources, be useful in improving telecommunications services to LEP consumers?*

The study will include a review of materials related to EO 13166 found on the federal website www.lep.gov, and a summary of how these materials and their guidance may be applied to California telecommunications services.

B. Enforcement Activities to Provide Consumer Protection

The study will examine the following general questions about Commission enforcement related to special challenges or disadvantages facing LEP consumers. Such enforcement activities may include to fraud, abusive marketing, or other issues.

- *What, if any, past Commission enforcement actions address the special challenges of LEP consumers, and what was reason for and result of these enforcement actions?*

Commission staff from Telecommunications Division (TD) and the Consumer Protection and Safety Division (CPSD) with expertise in telecommunications enforcement can identify and describe past enforcement actions related to LEP issues.

- *What, if any, challenges are faced by those with limited English Proficiency relating to communications services due to language barriers?*

The best source of information on these questions is likely to be discussions with and comments of representatives of community-based organizations (CBOs) serving LEP populations, and review of Commission and (if available) company studies and complaint data to determine whether there are particular types of recurring complaints related to language access.

- *Are existing Commission rules and enforcement of those rules adequate to address any special challenges faced by LEP telecommunications consumers?*

In addition to using information from CBOs and telecommunications service providers to assess the adequacy of existing rules and enforcement activities to address special needs and problems of LEP consumers, staff may research rules of other states and jurisdictions to identify models (if any) of additional rules or enforcement mechanisms.

C. Availability of Customer Service

The study will examine whether the Commission and telecommunications carriers provide adequate customer service to LEP consumers with questions or problems related to their telecommunications service.

- *Are existing processes of the Commission's Consumer Affairs Branch serving the needs of LEP consumers?*

To answer this question, staff is reviewing the ways in which CAB serves consumers who contact the Commission needing service in languages other than English, and will look at data from the Consumer Affairs Branch Consumer Complaint Tracking (CCT) system to determine how well CAB tracks language needs.

- *Are the existing customer service systems of the state's telecommunications providers serving the needs of California's LEP consumers? What costs are attributable to providing in-language customer service?*

Staff is will review responses to the carrier information request and coordinate with carriers to determine in what languages carriers offer customer service, how those services are advertised and accessed, and how carriers work with customers speaking languages other than those accommodated by in-house staff.

III. Request for Public Comments

The Commission welcomes statements by stakeholders responding to the above discussion, as well as comments on the study questions and sources. In particular, answers to the following questions would be helpful in conducting the study:

- a. Are there any particularly useful written sources that should be reviewed? What attributes or content make these sources particularly useful?
- b. Are there other agencies, within or outside of CA that exemplify language access best practices that are likely to be applicable to Commission education of telecommunications customers? (e.g. cpuc is not going to be able to add trained interpreters, if say the example is a court)
- c. Are any critical issues being omitted in the study plan? If so, please identify the issues and specific proposals for obtaining relevant information.

The Commission especially encourages comments that are comprehensive and provide specific examples and possible solutions. Please provide comments by July 14, 2006 to:

*Jessica Hecht
jhe@cpuc.ca.gov
505 Van Ness Avenue
Consumer Service and Information Division, 2nd Floor
San Francisco, California 94102*